

Sandra A. Bober
Anne B. Sekel
FOLEY & LARDNER LLP
90 Park Avenue
New York, NY 10016-1314
Tel: (212) 682-7474
Fax: (212) 687-2329

William J. McKenna (*of counsel*)
Lauren M. Loew (*of counsel*)
FOLEY & LARDNER LLP
321 North Clark Street
Suite 2800
Chicago, IL 60654-5313
Tel: (312) 832-4500
Fax: (312) 832-4700

Attorneys for Defendant Inland Real Estate Acquisitions Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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CERUZZI HOLDINGS, LLC and	:	
CERUZZI PHILIPSBURG, LLC,	:	Civil Action No.
	:	3:09-cv-5440-MLC-DEA
Plaintiffs,	:	
	:	
v.	:	
	:	
INLAND REAL ESTATE ACQUISITIONS INC. and	:	
INLAND WESTERN RETAIL REAL ESTATE TRUST, INC.	:	
	:	
Defendants,	:	
-----	X	

**INLAND REAL ESTATE ACQUISITIONS INC.'S PARTIAL MOTION TO DISMISS
PURSUANT TO FRCP 12(B)(6)**

Defendant Inland Real Estate Acquisition Inc. ("IREA"), by and through its undersigned counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves the Court to dismiss with prejudice Plaintiffs Ceruzzi Holdings, LLC's and Ceruzzi Philipsburg, LLC's ("Plaintiffs") first, second, third, and sixth causes of action for

failure to state a claim upon which relief can be granted against IREA, and strike paragraphs “A” and “D” of the *ad damnun* clause from Plaintiffs’ Complaint.¹ In further support of this Motion, IREA incorporates herein its Memorandum of Law in Support of its Motion to Dismiss Plaintiff’s Complaint, filed contemporaneously herewith.

WHEREFORE, Inland Real Estate Acquisitions Inc. respectfully request that this Court dismiss with prejudice Plaintiffs’ first, second, third, and sixth causes of action, and strike paragraphs “A”, “B”, and “D” of the *ad damnnun* clause from the Complaint and enter the proposed Order attached hereto.

Dated: December 23, 2009

/s/ Anne B. Sekel
Sandra A. Bober
Anne B. Sekel
FOLEY & LARDNER LLP
90 Park Avenue
New York, New York 10016-1314
Tel: (212) 682-7474
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*Attorneys for Defendant Inland Real Estate
Acquisitions Inc.*

¹ Unless otherwise directed by the Court, IREA will submit its answer to the remaining counts of the Complaint within ten (10) days after receiving a ruling on this Motion. See Fed. R. Civ. P. 12(a)(4); Circuit City Stores, Inc. v. Citgo Petroleum Corp., Civil Action No. 92-cv-7394, 1994 U.S. Dist. LEXIS 12634, *13 (E.D. Pa. Sept. 7, 1994) (holding that a partial motion under Rule 12(b) enlarges the time for defendant to file an answer on any remaining claims).